

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07CV250-03-MU

BILLY JW ROSS JR.,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
ELIZABETH LARI, JUDGE FORREST D.)	
BRIDGES,)	
)	
)	
Defendants.)	
_____)	

THIS MATTER comes before the Court on Plaintiff's letter dated August 14, 2007¹ asking that this case be dismissed (Document No. 14.) The Court will construe such letter as a motion to dismiss. Plaintiff states that he would like to dismiss his lawsuit as he does not have the appropriate knowledge to pursue it without an attorney. Further, Plaintiff expects to be released in approximately a year and a half and anticipates pursuing his legal remedies at that time.

On July 18, 2007 Plaintiff filed a civil rights Complaint in which he alleged that Defendant District Attorney Elizabeth Lari convinced Judge Forrest Bridges to confine Plaintiff in the Cleveland County Jail for thirty days. For the reasons stated in this Court's Order dated, July 25, 2007 this Court's dismissed Plaintiff's Complaint. (Document No. 6.)

Given that this Court has already considered and denied Plaintiff's Complaint on the merits, the instant motion to dismiss is denied as moot. Further, Plaintiff asks this Court to "disregard the \$350.00 transmit payment." By Order dated August 10, 2007 in accordance with 28 U.S.C. § 1915, Plaintiff was directed to pay an initial filing fee in the amount of \$10.00 to be followed y monthly

¹ Plaintiff's letter is dated August 14, 2007 but was received August 31, 2007.

payments of 20% of the deposits made into the Plaintiff's trust fund. Although Plaintiff now indicates a desire to dismiss his lawsuit, the Court has already considered and dismissed the Plaintiff lawsuit on initial review. As such, Plaintiff is obligated to pay the filing fee in accordance with this Court Order dated August 10, 2007.

THEREFORE, IT IS HEREBY ORDERED that:

- 1) The Clerk shall docket Plaintiff's letter dated August 14, 2007 as a Motion to Dismiss
- 2) Plaintiff's Motion to Dismiss is Denied as moot (Document No. 14.).

SO ORDERED.

Signed: September 6, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

